

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

**CALIFORNIA COALITION FOR WOMEN
PRISONERS, ET AL.,**

Plaintiffs,

v.

**UNITED STATES OF AMERICA BUREAU OF
PRISONS, ET AL.,**

Defendants.

Case No.: 4:23-cv-4155-YGR

**ORDER RE CONTINUED GUIDANCE
CONCERNING FCI DUBLIN AICs, No. 6**

The Court indicated in an order issued yesterday that work remains to be done to address the constitutional violations experienced by those adults in custody (“AICs”) who were located at the Bureau of Prisons (“BOP”)’s Federal Correctional Institution Dublin and satellite camp (collectively, “FCI Dublin”), even despite the facility’s closure. (*See* Dkt. No. 336.) For instance, as of today’s date, 165 medical alerts and 39 mental healthcare alerts remain to be addressed by BOP. Each of these alerts corresponds to an outstanding medical or mental health issue identified initially by the Special Master and her team that tie back to an individual AIC’s experience at FCI Dublin. In short, the Court will continue to monitor, oversee, and manage the BOP for those issues stemming from conditions at FCI Dublin prior to its May 1, 2024 closure.

Based thereon, the Court enters the following orders to assist the current Monitor to ensure outstanding issues relative to the FCI Dublin AICs are being addressed:

1. Medical Alerts

BOP staff and the Monitor and her staff have been reviewing and clearing, among others, medical and Medication Assisted Treatment (“MAT”) alerts for AICs from FCI Dublin. Additional medical complaints have been received from AICs who were at FCI Dublin. BOP **SHALL** work with the Monitor and provide follow-up reviews for complaints that have a nexus to AICs’ conditions from FCI Dublin. These nexus conditions must be cleared using the same process used to clear the original alerts placed before AICs were allowed to leave FCI Dublin.

1 The Monitor **SHALL** add to the Master Roster medical nexus alerts and track separately new
2 reports of medical complaints for AICs that directly relate and have a nexus to FCI Dublin medical
3 issues. The tracking and review of these cases shall occur in the same manner as the initial medical
4 alert reviews are being conducted.

5 **2. Compassionate Release Requests**

6 Eight AICs filed compassionate release requests per 18 U.S.C. § 3582(c)(1) (A), U.S.S.G. §
7 1B1.13, and BOP Program Statement 5050.50 based on the premise of alleged sexual abuse. These
8 eight compassionate release requests were filed during the period of January 11, 2023, through
9 December 12, 2023. The requests are pending action by BOP's Office of the General Counsel
10 ("OGC"). Additional compassionate release requests have been filed during 2024, also based on the
11 premise of alleged sexual abuse. The Court **DIRECTS** BOP to update the Court and Monitor on any
12 compassionate release requests that are pending action by the OGC. The update shall include a
13 specific timeframe that action will be taken on the requests.

14 **3. Disciplinary Due Process Violations**

15 During her time on the premises, the Special Master, as part of her review of onsite AIC
16 disciplinary documents and administrative remedy requests, identified concerns regarding possible due
17 process, evidentiary, and procedural violations with disciplinary actions taken by FCI Dublin staff. In
18 early May, the Special Master requested that the Western Regional Hearing Administrator ("WRHA")
19 responsible for disciplinary actions, disciplinary training, and auditing review a sample of ten (10)
20 disciplinary actions and associated reports, documentation and actions taken. The review of those
21 disciplinary actions led to the expungement of all ten disciplinary actions. Expungement of
22 disciplinary actions can have a significant impact on an AICs' classification levels, time credit
23 earnings, and release dates.

24 Based on the serious errors and due process violations of the ten disciplinaries, the WRHA
25 reviewed all disciplinary actions taken by FCI Dublin during the period of January 1, 2024, though the
26 facility's closure on May 1, 2024. There were 552 disciplinary actions written by FCI Dublin staff
27 during that period. A total of 120 disciplinary actions or 22% were expunged by the WRHA. AICs'
28 classification levels, time credits earnings, and release dates now must be reviewed and re-calculated.

Given the evidence of disfunction and violation of the FCI Dublin AIC's rights, the Court **ORDERS** review of the disciplinary actions for the period of 2020–23 of FCI Dublin AICs. The Court expects any disciplinary report that is found to contain due process, evidentiary or other procedural violations and is expunged, will require a classification review, credit earning computation review and release date review. To the extent BOP does find a due process, evidentiary or other procedural violation, and does not expunge, they shall explain that decision to the Court through the Monitor.

BOP **SHALL** work with the Monitor to conduct a review for each case in the same manner as the individual case reviews that occurred during the closure of FCI Dublin, to ensure casework is updated. Reviews for AICs with release dates within 12 months will be prioritized. BOP shall also identify the amount of time that any AIC with an expunged disciplinary spent in Security Housing because of the expunged disciplinary action and shall determine whether credits should be provided to the AIC to offset the time in the SHU.

4. Communications Between AICs and Still

The Court previously authorized Still to speak with FCI Dublin AICs directly, outside the presence of counsel for the parties. (*See* Dkt. No. 248 at 2.) The fact that the AICs have been dispersed to other federal facilities does not mean that communication between Still and the AICs shall be limited or obstructed. In this regard, the Trust Fund Limited Inmate Computer System (“TRULINCS”) appears to be a proper substitute. The Court understands BOP is proceeding in good faith to arrange for AICs to be able to contact the Monitor using TRULINCS. For efficiency and to avoid any misunderstanding, the Court hereby **ORDERS** that the BOP shall facilitate the FCI Dublin AICs’ ability to confidentially communicate with Still via TRULINCS at no cost to them. Further, BOP **SHALL** permit the Monitor to retain copies of the emails she receives from AICs until such time as her duties to this Court are completed. Should this pose a technical issue, the government shall advise the Court forthwith.

IT IS SO ORDERED.

Date: July 3, 2024


YVONNE GONZALEZ ROGERS
UNITED STATES DISTRICT COURT JUDGE